



Council Communication

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MIKE GILLESPIE, P.E., TOWN ENGINEER, 480-503-6841

THROUGH: GREG TILQUE, DEVELOPMENT SERVICES DIRECTOR
MARC SKOCYPEC, DEPUTY TOWN MANAGER

MEETING DATE: SEPTEMBER 20, 2012

SUBJECT: APPROVAL OF A RIGHT-OF-WAY EASEMENT ABANDONMENT
FOR A PORTION OF WILLIS ROAD LOCATED IN SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 6 EAST, AND AUTHORIZING THE
MAYOR TO EXECUTE THE REQUIRED DOCUMENTS.

STRATEGIC INITIATIVE: Infrastructure

This project supports Gilbert's Infrastructure Strategic Initiative as it assists in the logical extension of infrastructure within the Town.

LEGAL REVIEW

☒ Complete

☐ N/A

FINANCIAL REVIEW

☐ Complete

☒ N/A

RECOMMENDED MOTION

A MOTION TO APPROVE A RESOLUTION VACATING AND ABANDONING A PORTION OF WILLIS ROAD RIGHT-OF-WAY EASEMENT LOCATED IN SECTION 4, TOWNSHIP 2 SOUTH, RANGE 6 EAST, AND AUTHORIZE THE MAYOR TO EXECUTE THE REQUIRED DOCUMENTS.

BACKGROUND/DISCUSSION

The old Willis Road alignment east of Val Vista Drive was replaced with Mercy Road during the development of the Mercy Hospital Complex in 2000. When this occurred, the alignment of the roadway was shifted slightly to the north, offsetting it from the typical monument line alignment. Because of this, a past dedication to Maricopa County in the form of an "Easement and Agreement For Highway Purposes," which was taken over by the Town after annexation, is obsolete and no longer needed. The original dedication occurred at no cost to the County or the Town.

The owner of the two properties adjacent to this dedication has requested that the Town abandon it. The proposed abandonment is located on the north side of the two properties and is approximately 40 feet wide by 330 feet long. This dedication was intended to be used for the south half of Willis Road, but as stated above, is no longer necessary because of the construction of Mercy Road in its current alignment (see Figure 1).

Staff has reviewed this request and feels that it is reasonable. In conformance with the requirements contained in the Town's Land Development Code (LDC), notices were sent to potentially impacted utility companies and other interested parties. An objection to the abandonment was received from Cox Communications because they were unclear about the location of their facilities in relation to the abandonment. After closer review and clarification from the Town and the property owner, Cox has formally indicated to the Town that they have no objection to this abandonment.

The Resolution was reviewed for form by Attorney Phyllis Smiley.

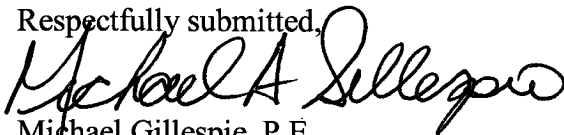
FINANCIAL IMPACT

There is no financial impact on the Town associated with this proposed abandonment.

STAFF RECOMMENDATION

All requirements for approval of this Resolution of Abandonment have been addressed by the applicant. The Engineering Services Division, the Planning Division, and legal staff have reviewed the Resolution of Abandonment and recommend approval.

Respectfully submitted,



Michael Gillespie, P.E.

Town Engineer

michael.gillespie@gilbertaz.gov

Attachments and Enclosures:

Figure 1 – Vicinity Map
Resolution of Abandonment including Exhibits A and B

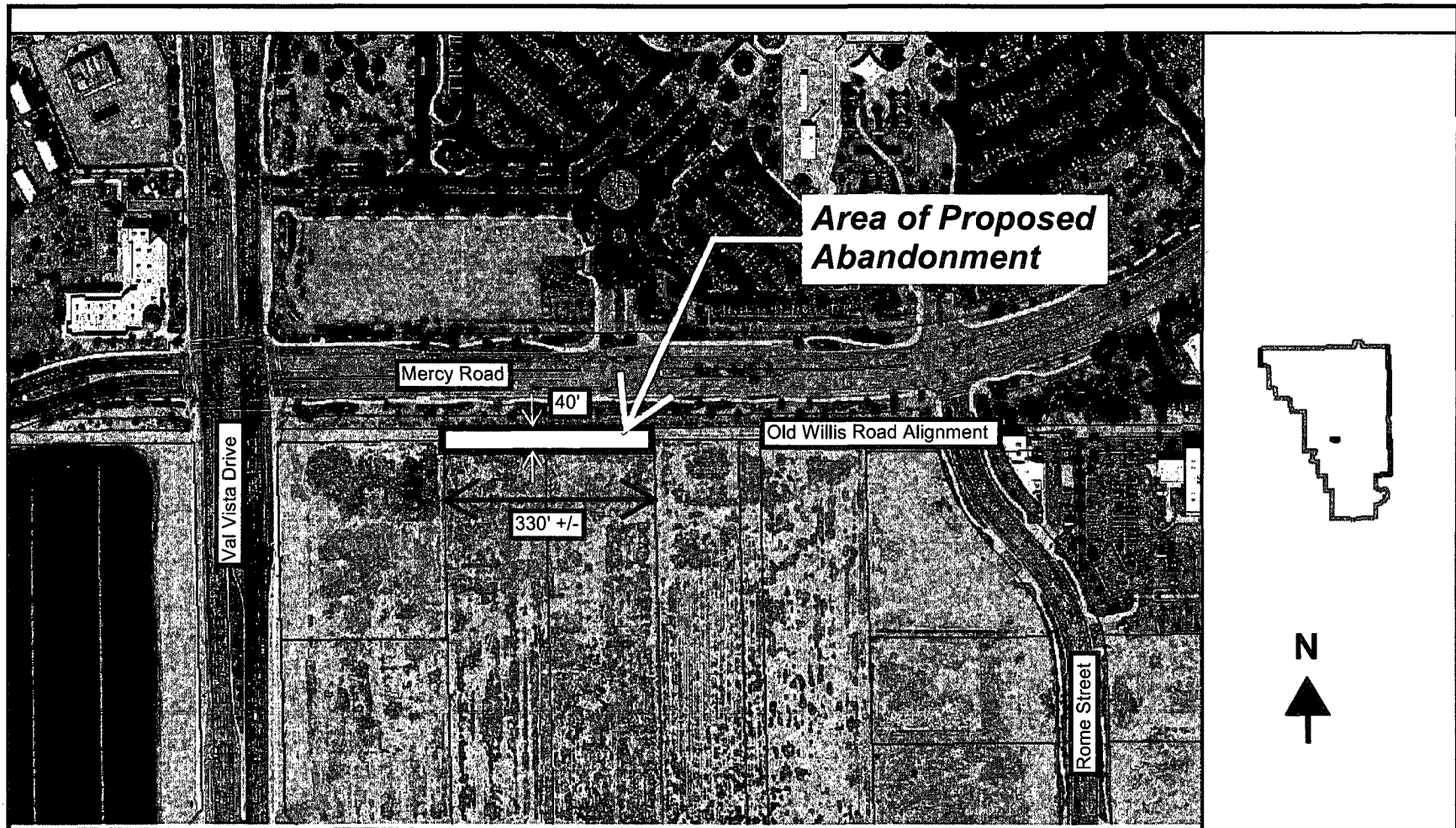


Figure 1
Vicinity Map
Willis Road Abandonment East of Val Vista Drive

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, VACATING, ABANDONING, AND EXTINGUISHING ALL OF ITS INTEREST IN A 40-FOOT WIDE RIGHT-OF-WAY EASEMENT KNOWN AS A PORTION OF WILLIS ROAD BETWEEN VAL VISTA DRIVE AND ROME STREET; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS.

WHEREAS, the Town Council of the Town of Gilbert finds that a 40-foot wide section of the right-of-way easement known as a portion of Willis Road between Val Vista Drive and Rome Street is no longer necessary for public use; and

WHEREAS, the Town Council finds it to be in the best interest of the Town to abandon and vacate that certain 40-foot wide section of Willis Road between Val Vista Drive and Rome Street; and

WHEREAS, the Town of Gilbert is authorized to vacate and abandon rights-of-way pursuant to Arizona Revised Statutes Sections 9-240(B)(3)(e) and 28-7205;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Gilbert, Arizona:

1. That the 40-foot wide right-of-way easement known as a portion of Willis Road between Val Vista Drive and Rome Street and legally described in Exhibit A, attached hereto and incorporated herein, is hereby vacated and abandoned.

2. That title to the vacated portion of Willis Road, hereby vacated and abandoned, shall vest in the owners of the land abutting the vacated portion, as set forth in Exhibit B attached hereto.

3. That the Town Clerk is hereby authorized and directed to record a copy of this Resolution with the Maricopa County Recorder evidencing the permanent abandonment of said right-of-way easement.

4. That, pursuant to Section 28-7213 of the Arizona Revised Statutes, this Resolution shall become effective on the date it is recorded in the Office of the Maricopa County Recorder.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA THIS 20TH DAY OF SEPTEMBER, 2012.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By: Susan D. Goodwin

I hereby certify the above foregoing Resolution No. _____ was duly passed by the Council of the Town of Gilbert, Arizona, at a regular meeting held on September 20, 2012, and that quorum was present thereat and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Catherine Templeton, Town Clerk, CMC
Town of Gilbert

The following exhibits are attached hereto and incorporated herein:

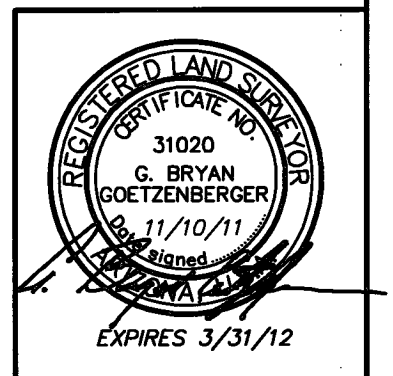
1. Exhibit A – Legal Description and Map
2. Exhibit B – Vesting of Ownership to Abutting Property Owner

EXHIBIT A

Page 1 of 2

That parcel of land described in the EASEMENT AND AGREEMENT FOR HIGHWAY PURPOSES, recorded at Docket 13749, Pages 834, Docket 13749, Page 836, Docket 13749, Page 838, and Docket 13749, Page 840, records of Maricopa County, Arizona, being more particularly described as follows;

The North Forty (40) feet of the East one-half of the Northwest one-quarter of the Northwest one-quarter of the Southwest one-quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Four (4), Township Two (2) South, Range Six (6) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



JOB NO.: 110905
SECTION: 4
TOWNSHIP: 2 SOUTH
RANGE: 6 EAST
DATE: NOVEMBER 10, 2011
SHEET 1 OF 1

REFERENCE DOCUMENTS
SURVEYS (R) M.C.R.
1. R.O.S. BK. 1099 PG. 3

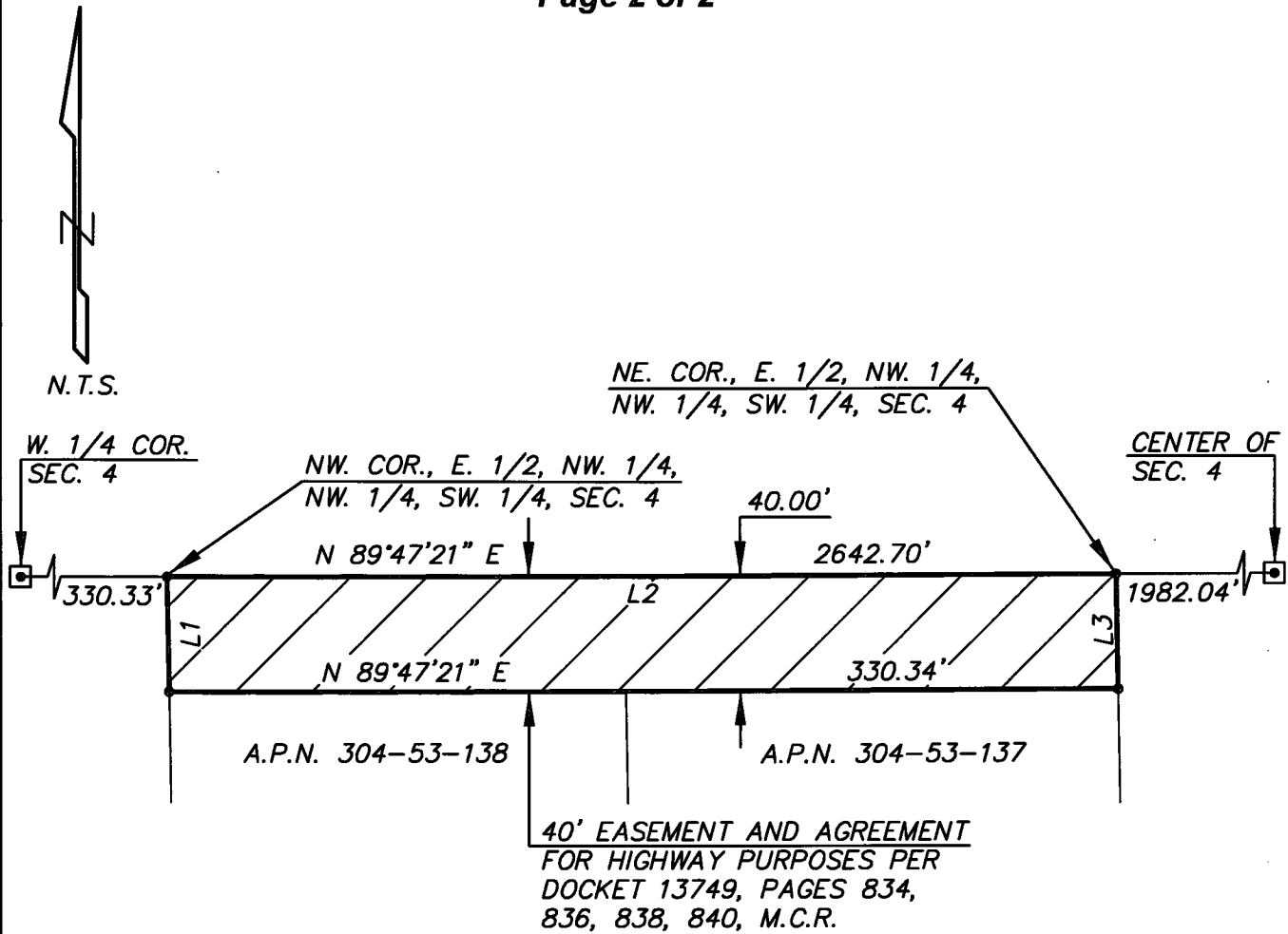


STATEWIDE SERVICE IN ARIZONA
www.alliancelandsurveying.com

7900 N. 70th AVENUE TEL (623) 972-2200
SUITE 104 FAX (623) 972-1616
GLENDALE, AZ 86303

EXHIBIT A

Page 2 of 2



AREA OF ABANDONMENT

LINE	BEARING	DISTANCE
L1	N 01°07'32" W	40.01'
L2	N 89°47'21" E	330.33'
L3	S 01°07'53" E	40.01'



JOB NO.: 110905
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SUITE 104 FAX (623) 972-1616
GLENDALE, AZ 85303

EXHIBIT B

Vesting of Ownership to Abutting Property Owner

Ownership of the abandoned easement/right-of-way shall vest in the owners of the following described property:

Those properties comprising the East one-half of the Northwest one-quarter of the Northwest one-quarter of the Southwest one-quarter (E1/2 of NW1/4 of NW1/4 of SW1/4) of Section Four (4), Township Two (2) South, Range Six (6) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, ;

Except the North Forty (40) feet thereof, representing the abandoned easement/right-of-way;

Also currently known as Maricopa County Tax Assessor Parcel Nos. (APN's) 304-53-137 and 304-53-138.

The abandoned easement/right-of-way shall be proportionally divided between these two parcels based upon fronting footage.